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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,770	03/14/2000	Rob Myers	80398.P607	7597
7590 11/26/2007 Sheryl Sue Holloway			EXAMINER	
Blakely, Sokol	off, Taylor, & Zafman LL	SALCE, JASON P		
Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025			ART UNIT	PAPER NUMBER
			2623	
	,			
			MAIL DATE	DELIVERY MODE
			11/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1)⊠ Responsive to communication(s) filed on 13 September 2007. 2a)⊠ This action is FINAL. 2b)□ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)☑ Claim(s) 16 and 18-29 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)□ Claim(s) is/are allowed. 6)☑ Claim(s) is/are allowed. 6)☑ Claim(s) is/are objected to. 8)□ Claim(s) are subject to restriction and/or election requirement. Application Papers 9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * o)□ None of. 1.□ Certified copies of the priority documents have been received. 2.□ Certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.	1	Application No.	Applicant(s)				
Jason P. Salce 2623	•	09/524,770	MYERS ET AL.				
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions for many be paralised under the provisions of 37 CRT 13-36, in no search rowers, may seeply the time's flied in the control of 17 CRT 13-36, in no search rowers, may seeply the time's flied in 17 NO period for reply is appelled above, the maximum statutory period will apply and will exper St. (8) MONTHS from the mailing date of this communication. Failure to prevent plants of the second period for reply is appelled above, the maximum statutory period will apply and will exper St. (8) MONTHS from the mailing date of this communication. Failure to prevent plants of the second period for reply is appelled above, the maximum statutory period will apply and will exper St. (8) MONTHS from the mailing date of this communication. Failure to prevent the application of the second period for reply is application and the mailing date of this communication, even if timely flied, may reduce any search period of the mailing date of this communication, even if timely flied, may reduce any search period of the mailing date of this communication. 1) □ Responsive to communication(s) filed on 13 September 2007. 2a) ☑ This action is FINAL. 2b) ☐ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Experted Payles, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 16 and 18-29 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5b) ☐ Claim(s) 16 and 18-29 is/are epided. 7c) ☐ Claim(s) 16 and 18-29 is/are rejected. 7c) ☐ Claim(s) 16 and 18-29 is/are epided to be prevented to be	Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Exercistors of time may be evaluable under the provisions of 37 OFR 1.135(a), in no event, however, may a reply be timely filed. - Expension to time may be evaluable under the provisions of 37 OFR 1.135(a), in no event, however, may a reply be timely filed. - Evaluation to time may be evaluable under the provisions of 37 OFR 1.135(a), in no event, however, may a reply be timely filed. - Fallue to reply within he set or extended period for reply will, by statuse, cause the application to become ASANDONED (35 U.S.C.§ 135). Any reply scenated by the Office and set when the evaluation and application in the provision set from the maining date of this communication, even if timely filed, may reduce any vertices placed by the Office and the filed period of the communication, even if timely filed, may reduce any evaluation in the provision of		Jason P. Salce	2623				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extransions of mining be available under the provincing of 3° CFR 1.136(a). In no event, however, may a reply be timely filled 18 NO period for reply a specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the malling date of this communication. Failus to prove by which the set or calcidad period for reply will by the such cause the application to become ABANDERIC (35 U S.C. § 113). Any reply received by the Office later than three months after the malling date of this communication, even if simely filled, may reduce any senter applicate that adjustment. Set 3° CFR 1.734(a). Status 1) Responsive to communication(s) filled on 13 September 2007. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 16 and 18-29 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 3) Claim(s) is/are objected to. 3) Claim(s) is/are objected to. 3) Claim(s) is/are objected to. 4pplicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3) Copies of the certified copies of the priority documents have been received. 2. Certified copies of the pr		pears on the cover sheet with	h the correspondence address				
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under be provision of 37 CFR 1.13(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. Failuse to prely within the set or caterial depth of the reply with the set of caterial points of the communication. Failuse to prely within the set or caterial depth of the reply with the set or caterial points. Any reply received by the Office lited than there months after the making date of this communication, even if smely filed, may reduce any certain patient them adjustment. Set 37 CFR 1.70(a). Status 1)② Responsive to communication(s) filed on 13 September 2007. 2a)② This action is FINAL. 2b)□ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)② Claim(s) 16 and 18-29 is/are pending in the application. 4a) Of the above claim(s) 15 is/are withdrawn from consideration. 5)□ Claim(s) 16 and 18-29 is/are rejected. 7)□ Claim(s) 16 and 18-29 is/are rejected. 7)□ Claim(s) 16 and 18-29 is/are rejected to 9)□ Objected to by the Examiner. Application Papers 9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Application Papers 9)□ The option of Claims are subject to restriction and/or election requirement. Application Papers 9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Application Papers 9)□ The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * c)□ None of: 1.□ Certifie	·	V 10 05T TO 5VDIDE - 140					
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09/524,770 Art Unit: 2623

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 16 and 18-29 have been considered but are most in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 16, 18-20, 23, 25 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (U.S. Patent No. 5,798,785) in view of Barton et al. (U.S. Patent No. 6,233,389) in further view of Grossman et al. (U.S. Patent No. 5,907,321).

Referring to claim 16, Hendricks discloses formatting a media signal with content data and with on-site media service data (see Column 7, Line 50 through Column 9, Line 19 for the headend receiving both content data (television programs) and on-site media service data (program control information signals)).

Hendricks also discloses broadcasting said media signal to an on-site media system having a dedicated tuning device (see Figure 1 and Column 9, Line 20 through Column 10, Line 62 for receiving the programming signals at a client device/on-site media system).

Hendricks also discloses that said on-site media service data allows an off-site content provider to remotely control a display of an advertisement on said on-site media system (see Column 6, Line 3 through Column 7, Line 48 for the operations center creating the on-site media service data, which allows the operations center to remotely control a display of an advertisement to the user's display device (further note Column 19, Line 28 through Column 20, Line 67)).

Page 3

Hendricks fails to teach that said on-site media system has a dedicated portion of a hard disk for said media signal.

Barton discloses an on-site media system that further includes a hard drive to store media signals (see Column 3, Line 30 through Column 4, Line 13), further note that the media signals/movies are stored on various portions of the hard drive, therefore the media signals are stored on a dedicated portion of the hard drive (the portion used to store a particular movie or movies). The examiner notes that the recitation "dedicated" is broad and the claims do not recite how said portion of the hard drive is "dedicated", therefore the examiner has interpreted a dedicated portion to simply be the portion which stores each particular movie. Even further, the examiner notes that a hard drive inherently contains a dedicated portion because every hard drive contains a table of addresses in a hidden portion of the hard drive (e.g. a FAT table), therefore the portion of the hard drive used to store data and not the hidden portion/address table can be considered the "dedicated" portion.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the on-site media system, as taught by Hendricks,

Application/Control Number:

09/524,770 Art Unit: 2623

using the hard disk, as taught by Barton for the purpose of providing a user the ability to simultaneously record and playback TV broadcast programs (see Column 1, Lines 54-55 of Barton).

Hendricks and Barton fail to disclose that the advertisement is enabled in a transition between two programs during a channel changing event.

Grossman discloses that an advertisement is enabled in a transition between two programs during a channel changing event (see Figure 2 and Column 2, Lines 30-40).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the recording system of Hendricks and Barton, using the advertisement display process, as taught by Grossman, for the purpose of providing the user additional important information, such as public service messages and warnings against smoking, while waiting for a channel change to occur (see Column 3, Lines 31-45 of Grossman).

Claim 18 corresponds to claim 16, where Hendricks further discloses that said on-site media service data has interactive options that are responsible to a viewer input on said on-site media system (see Figures 11a-11d).

Claim 19 corresponds to claim 16, where Hendricks further discloses that said on-site media system has a resident-software platform for interfacing information between a content provider, a presentation engine, and a viewer (see Column 10, Lines 13-46).

Art Unit: 2623

Claim 20 corresponds to claim 16, where Hendricks further discloses that said medial signal is formatted with metadata on a fine-grain basis for intervals shorter than a broadcast program time span (see Column 20, Lines 16-18 for the metadata identifying advertisements for video programs).

Claim 23 corresponds to claim 16, where Hendricks further discloses that said on-site media services data includes management information for said on-site media system (see Table A at Column 20, Lines 32-46).

Claim 25 corresponds to claim 16, where Hendricks further discloses that said on-site service data includes presentation information (see the rejection of claim 23).

Claim 28 corresponds to claim 16, where Hendricks further discloses that said on-site media service data provides software updates (see Column 10, Lines 47-55).

Claim 29 corresponds to claim 16, where Hendricks further discloses that said on-site service data includes function information that enhances functionality of said on-site media system (see the rejection of claim 28).

Claims 21-22, 24 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (U.S. Patent No. 5,798,785) in view of Barton et al.

(U.S. Patent No. 6,233,389) in further view of Alexander et al. (U.S. Patent No.

6,177,931) in further view of Grossman et al. (U.S. Patent No. 5,907,321).

Referring to claim 21, Hendricks, Barton and Grossman disclose all of the limitations in claim 16, but fail to teach that said on-site media service data enables said on-site media system to record a portion of said media signal on said dedicated portion of said hard disk according to subscription information.

Alexander teaches that a user may subscribe to recording multiple episodes in a television series (see Column 11, Lines 8-16).

At the time the invention was made, it would have been obvious to modify the onsite media system/data, as taught by Hendricks, Barton and Grossman, using the record regularly functionality in conjunction with the EPG data presented to the user, as taught by Alexander, for the purpose of providing improved viewer control of video recording of future-scheduled programming (see Column 2, Lines 6-7 of Alexander).

Referring to claim 22, see the rejection of claim 21.

Referring to claim 24, see the rejection of claim 21.

Referring to claim 26, see the rejection claim 21 and further note Figure 6.

Referring to claim 27, Hendricks and Barton disclose all of the limitations in claim 16, but fail to teach that said on-site media service data includes information for retrieving data from an Internet site.

Alexander teaches providing information for retrieving data from an Internet site (see Column 8, Lines 36-64).

At the time the invention was made, it would have been obvious to modify the onsite media system/data, as taught by Hendricks, Barton and Grossman, using the Internet mode, as taught by Alexander, for the purpose of providing improved viewer interaction capabilities with the EPG (see Column 2, Line 5 of Alexander).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tsuria (U.S. Patent No. 5,786,845) also teaches displaying an advertisement during the transition time between channel change events.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce Primary Examiner Art Unit 2623

November 19, 2007

PRIMARY PATENT EXAMINER